

Declaratory
Improvement Res. No. *1414-75*

vacation of Lafayette
St. from npl of
Elizabeth St. ---
(Barr - Lafayette area)

Resolution Adopted:

November 25, 1975

Confirmed:

Nov. 25, 1975

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

December 18, 1975

B.O. 210-74

DECLARATORY RESOLUTION NO. 1414-75

for the vacation of Lafayette Street from the north
property line of Elizabeth St. from epl of
Barr St. to the wpl of Lafayette St.

ADOPTED: November 25, 1975

ADVERTISE NOTICE TO PROPERTY OWNERS:

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: Nov. 25, 1975

ASSESSMENT ROLL ORDERED: B. & D. - ord. 11/25/75

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION OF A. R.: Dec. 18, 1975 at
3:30 p.m.

NOTICE SERVED: Dec. 5, 1975

ASSESSMENT ROLL CONFIRMED. Thurs., Dec. 18, 1975

Sent to D of F

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 210-74

Date November 25, 1975 62-342- 7,8 & 9
343-10

To STREET ENGINEERING DEPARTMENT

Subject Dec. Res. 1414-75, 1415, 1416 and 1417-75 Vac. - Lafayette St. from Elizabeth St.

Resolutions approved and adopted.
Waivers received.
CONFIRMED.
Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL
C. E. O'NEAL
B. L. NAULT
BOARD OF PUBLIC WORKS

ajf

P.O. Lists attached. 1414, 1415, 1416 & 1417-1975

Signed _____

Reply: December 3, 1975

Attached, please find Assessment roll of Benefits and damages for Declaratory Resolution numbers 1414, 1415, 1416 & 1417-1975.

Kenneth N. Taylor
KNT:sw

Ron Bonar
Ron Bonar, City Engineer

Signed _____

62-348-14
12/1/75

B.O. 210-74

November 25, 1975

62-342- 7,8 & 9
343-10

STREET ENGINEERING DEPARTMENT

Dec. Res. 1414-75, 1415, 1416 and 1417-75

Vac. - Lafayette St. from Elizabeth St.

Resolutions approved and adopted.

Waivers received.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL

C. E. O'NEAL

B. L. NAULT

BOARD OF PUBLIC WORKS

ajf

P.O. Lists attached. 1414, 1415, 1416 & 1417-1975

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 210-74

Date December 3, 1974

To Ken Traylor, Street Engineer

Subject Vacation - Lafayette St. from Elizabeth St. north to alley plus adjoining alleys

We have received the attached copy of petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

BOARD OF PUBLIC WORKS

Edna Smith
CLERK

EIS:bt

Attachment

RECEIVED

DEC

CITY ENGINEERING DEPT.

Signed _____

Reply: _____

November 18, 1975

Attached find Dec. Res. No. 1414-75, Petition for Vacation of Street, Waiver of Requirement for Public Hearing, drawings, and Property Ownership Lists. The entire street is to be retained for easements. In addition you will find the Dec. Resolutions for 1415-75, 1416-75, and 1417-75.

Kenneth N. Traylor
KNT/mf
Encs.

R. T. Brown
City Engineer

62 - 342 - 7-8+9
62 - 343 - 10

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



THE CITY OF FORT WAYNE

board of public works

December 12, 1975

SUBJECT: PUBLIC HEARINGS

Dear Councilman Moses:

Please be advised that the Board has scheduled a public hearing Thursday, December 18, 1975 at 3:30 p.m. concerning the following project(s):

HEARING ON CONFIRMATION OF ASSESSMENT ROLL

| | |
|--------------------------------|--|
| ✓ Dec. Res. No. <u>1414-75</u> | Vac. of Lafayette St. etc. |
| Dec. Res. No. 1415-75 | Vac. of 1st alley n. of Elizabeth St. etc. |
| Dec. Res. No. 1416-75 | Vac. of 2nd alley n. of Elizabeth St. etc. |
| Dec. Res. No. 1417-75 | Vac. of alley bet. Barr & Lafayette |
| Alley Imp. Res. 5684-75 | 1st alley north-southeast of Broadway |

HEARING ON CONFIRMATION - Continued from December 4, 1975

| | |
|-----------------|---------------------------------------|
| Res. No. 111-75 | Street lighting - Southwood Park Add. |
|-----------------|---------------------------------------|

You are invited to attend this public hearing and hear the comments of your constituents regarding the project(s). If you have any questions on the project(s), please feel free to call.

Sincerely,

Jerry D. Boswell

Carl E. O'Neal

Betty Lou Nault

BOARD OF PUBLIC WORKS

ep

cc: Mayor

AN EQUAL OPPORTUNITY EMPLOYER

For the Vacation - ~~Opening - Construction of right of way for utility purposes~~ of Lafayette Street from the north property line of Elizabeth Street to its northern terminus also being the south line of said Lafayette Street previously vacated.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Lafayette Street from the north property line of Elizabeth Street to its northern terminus also being the south line of said Lafayette Street previously vacated.

All as shown by a plan of such proposed Vacation - ~~Opening - Construction of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Construction of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation - Opening - Construction of right of way for utility purposes~~ is described as follows: Lots No. 20 & 21, Burgess, Zollinger and Kamms Addition, Lot No. 1, Mowrers Sub and space north of Elizabeth Street and east of Lafayette Street. Said space and additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 8, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the southeast quarter, Section Thirty five, Township 31 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 25 DAY OF November 19 75.

Attest:

Edna L. Smith
Secretary Board of Public Works

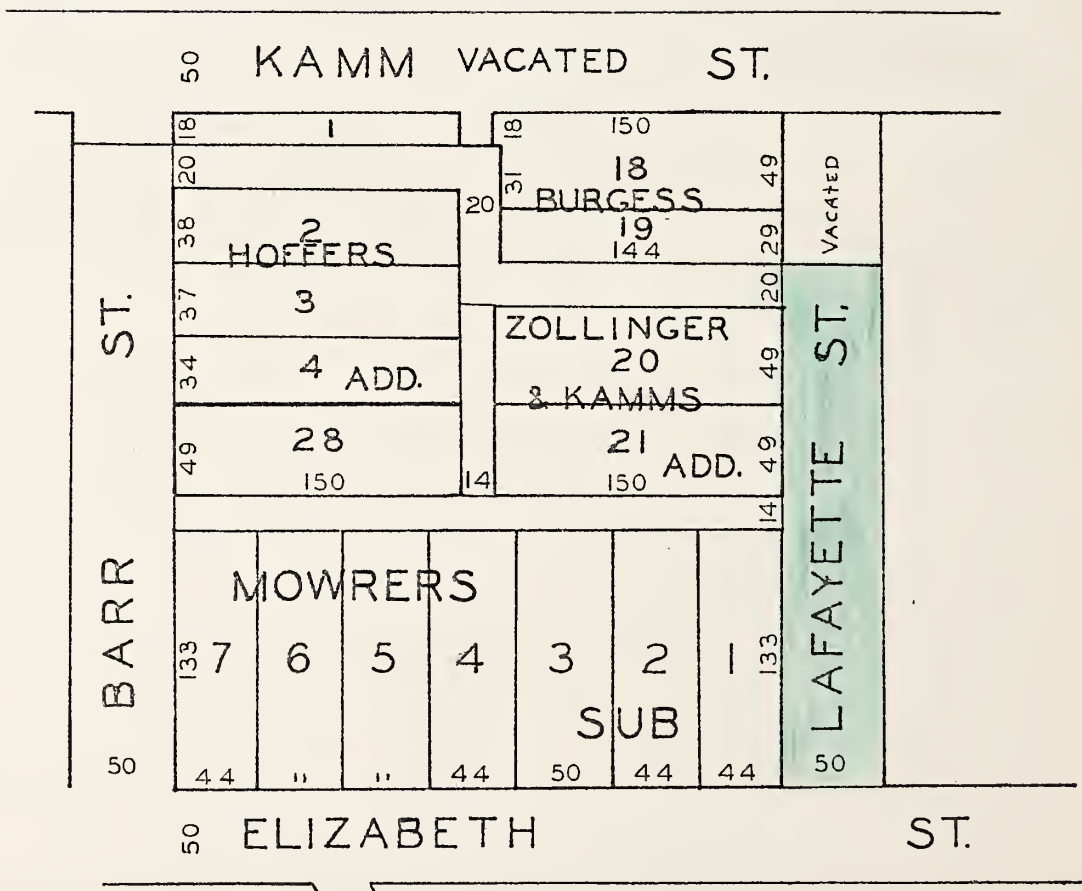
Carl E. O'Neal
Board of Public Works.



VACATE STREET



VACATE ALLEY



1414

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne
The Common Council of the City of Fort Wayne
The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lots numbered 1, 2, 3, 4, 5, 6 and 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lots numbered 18, 19, 20, 21 and 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana; and that parcel of land immediately east of Lafayette Street, bounded on the north by vacated Kamm Street, the east by Spy Run Avenue, the south by Elizabeth Street and the west by Lafayette Street and partially vacated Lafayette Street,

constituting all the real estate abutting on both sides of that portion of the streets and alleys herein sought to be vacated, respectfully petitions and requests that:

1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated.

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west

Subject to all conditions, easements, restrictions and limitations of record, as well as all applicable zoning ordinances. Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

DATED this 11th day of February, 1974.

BY: Ralph L. Shirmeyer
Ralph L. Shirmeyer, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Joane E. Rogers
Notary Public

March 25/1975

Prepared by Robert W. Haller, Attorney

JAN 14 1975

WAIVER OF REQUIREMENT FOR PUBLIC HEARING
FOR VACATION OF STREETS AND ALLEYS

TO: The Board of Public Works
of the City of Fort Wayne

Gentlemen:

As attorneys for Indiana & Michigan Electric Company, owner of all of the real estate abutting both sides of the following described portions of streets and alleys within Fort Wayne, Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated;

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west right-of-way line of Lafayette Street;

An alley, fourteen (14) feet wide, between Barr Street and Lafayette Street, lying west of Lots #20 and #21 in Burgess, Zollinger & Kamm's Addition;

An alley fourteen (14) feet wide, between Barr and Lafayette Streets lying north of Mowrer's Subdivision;

and the petitioner for the vacation of the above-described streets and alleys, we hereby waive any requirement for a public hearing to be held by the Board of Public Works of the City of Fort Wayne on the vacation of said streets and alleys and respectfully request that the Board of Public Works adopt a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Ann. §48-1902) and Section

97, Chapter 129 of the Acts of 1905 of the General Assembly
of the State of Indiana (Ind. Stat. Ann. §48-2001).

Respectfully submitted,

LIVINGSTON, DILDINE, HAYNIE & YODER

By

A handwritten signature in dark ink, appearing to read "Charles R. Cogdell", is written over a horizontal line.

Charles R. Cogdell
Attorneys for Indiana & Michigan
Electric Company

425 Lincoln Bank Tower
Fort Wayne, Indiana 46802
Telephone: 742-8341

Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, December 5, 1975

Indiana & Michigan Electric Company
2101 Spy Run Avenue
Fort Wayne, Indiana

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the vacation of Lafayette Street from the north property line of Elizabeth Street to its northern terminus also being the south line of said Lafayette Street previously vacated.

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

| | BENEFITS | DAMAGES |
|--|----------|---------|
| Lot 20, Burgess, Zollinger & Kamms Addition | \$1.00 | \$1.00 |
| Lot 21, Burgess, Zollinger & Kamms Addition | \$1.00 | \$1.00 |
| Lot 1, Mowrers Subdivision | \$1.00 | \$1.00 |
| Space: N/Elizabeth St., E/Lafayette St., PT SE $\frac{1}{4}$, 35-31-12 | \$1.00 | \$1.00 |

All in pursuance to Declaratory Resolution No. 1414-75, adopted by the Board of Public Works of said City, on the 25 day of November, 1975, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at 3:30 o'clock P. M., on the 18th day of December, 1975, for the purpose of hearing and considering any remonstrance which you may desire to present in regard to the amount of your assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

/bt

DECLARATORY

Improvement Resolution No 1414-75 For THE VACATION OF LAFAYETTE STREET FROM THE NORTH PROPERTY LINE OF ELIZABETH STREET

TO ITS NORTHERN TERMINUS, ALSO BEING THE SOUTH LINE OF SAID LAFAYETTE STREET PREVIOUSLY VACATED.

14-12

| | OWNER'S NAME | ADDRESS | NUMBER OF | | | DESCRIPTION |
|----|---------------------------------|------------------|-----------|-------|-------|---|
| | | | LOT | BLOCK | O. L. | |
| 1 | INDIANA + MICHIGAN ELECTRIC CO. | 2101 SP. RUN AVE | 20 | | | BURGESS, ZOLLINGER + KAMM'S ADD. |
| 2 | " | " | 21 | | | " |
| 3 | " | " | 1 | | | MOWREY SUB |
| 4 | " | " | SPACE | | | 11 OF ELIZABETH ST. LOT, EAST OF LAFAYETTE STREET PT SE 1/4 35-31-12 |
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